

RESOLUTION NO. 2021-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING THAT CERTAIN AGREEMENT ENTITLED COOPERATIVE AGREEMENT BETWEEN THE CITY OF TEMECULA AND THE CITY OF MURRIETA IN CONNECTION WITH THE FRENCH VALLEY PARKWAY/I-15 IMPROVEMENTS PROJECT – PHASE II

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Findings. The City Council hereby finds, determines, and declares that:

A. The French Valley Parkway/I-15 Improvements Project, Project Numbers PW02-11, PW07-04, PW16-01 and PW19-03 (Project) consists of the construction of a new interchange, French Valley Parkway, at Interstate 15, between the existing Winchester Road (SR-79)/I-15 Interchange and the I-15/I-215 junction, along with enhancements to facilitate improved operations on the existing mainline facility. The Project also includes the construction of a new principal arterial (French Valley Parkway) between Jefferson Avenue and Ynez Road and a new Collector/Distributor (C/D) system of lanes along both sides of I-15 between Winchester Road and the I-15/I-215 Junction. The Project would also modify the I-15/Winchester Road Interchange.

B. The French Valley Parkway/I-15 Improvements Project – Phase II, Project Number PW16-01 (Phase II) proposes to construct a two lane northbound collector/distributor (C/D) system along I-15 from the Winchester Road/I-15 Interchange northerly on-ramps to just north of the I-15/I-215 junction with connectors to I-15 and I-215.

C. The French Valley Parkway/I-15 Interchange is an interchange of regional significance for Western Riverside County with TUMF funding allocated for a significant portion of it. Phase II received an unprecedented \$50 million grant from the Federal Government through the Infrastructure for Rebuilding America grant program administered by the United States Department of Transportation. The grant was supported by local Members of Congress as well as the Defense Department and Marine Corps based on the need to maintain the free flow of traffic to Camp Pendleton and Navy facilities in San Diego County, thus making it a national security improvement. Phase II is in the public interest and necessity, will alleviate congestion, and improve traffic circulation.

D. Phase II involves the cooperation between City of Temecula (Temecula), State of California, acting by and through its Department of Transportation (Caltrans), Riverside County Transportation Commission, and City of Murrieta (Murrieta).

E. Temecula and Caltrans entered into that certain District Agreement No. 08-1217, a Design Cooperative Agreement, on September 16, 2003. District Agreement No. 08-1217, which

defined the terms and conditions for Temecula's design of the Project (Project Number 02-11), was approved by Temecula on September 16, 2003 pursuant to Resolution No. 03-122.

F. Caltrans and Temecula entered into an Amendment to Agreement No. 08-1217 A/1, which extended the termination date of District Agreement No. 08-1217 to December 31, 2015, was approved by Temecula on May 27, 2008 pursuant to Resolution No. 08-43.

G. Caltrans and Temecula entered into District Agreement No. 08-1508, a Cooperative Agreement, on January 4, 2012 regarding the construction of Phase I of the Project (Project Number 07-04). District Agreement No. 08-1508 was approved by Temecula on December 13, 2011 pursuant to Resolution No. 11-83.

H. Caltrans and Temecula entered into District Agreement No. 08-1667, a Cooperative Agreement on June 18, 2019 regarding the design of Phase II (Project Number 16-01). District Agreement No. 08-1667 was approved by Temecula on May 28, 2019 pursuant to Resolution No. 19-30. Pursuant to Subsection 10 of the Section entitled "IMPLEMENTING AGENCY" of District Agreement No. 08-1667, Caltrans and Temecula agreed that "...[Temecula] is the IMPLEMENTING AGENCY for the RIGHT-OF-WAY." As defined in that Subsection, RIGHT-OF-WAY includes "coordination with utility owners for the protection, removal, or relocation of utilities; the acquisition of right-of-way interests; and post-construction work such as right-of-way monumentation/recordation, relinquishments/vacations, and excess land transactions." Pursuant to Subsection 41 of the Section entitled "RIGHT-OF-WAY" of District Agreement No. 08-1667, Caltrans and Temecula agreed that "[Temecula] will hear and adopt Resolutions of Necessity when authorized to do so by law or will work with local agencies having jurisdiction and authorized under the law to hear and adopt Resolutions of Necessity."

I. Temecula and Murrieta entered into that certain Reimbursement and Cooperative Agreement Between the City of Temecula and the City of Murrieta in Connection with Property Acquisition for the French Valley Parkway/Interstate-15 Overcrossing and Interchange Improvements Project (Project Numbers PW02-11 and PW07-04) ("Reimbursement and Cooperative Agreement"). The Reimbursement and Cooperative Agreement was approved and adopted by the City of Temecula on June 14, 2011 pursuant to City of Temecula Resolution No. 11-40. The Reimbursement and Cooperative Agreement was approved and adopted by the City of Murrieta on May 3, 2011 pursuant to City of Murrieta Resolution No. 11-2713. Pursuant to the Reimbursement and Cooperative Agreement, Temecula and Murrieta acknowledged that the construction of the Project would benefit both communities, and that both communities have a mutual interest in the Project to improve traffic and promote safety for the general public. It also established the reimbursement by Temecula to Murrieta for the costs incurred by Murrieta in connection with professional right-of-way services and acquisitions needed for the construction of Phase I of the Project.

J. Temecula and Murrieta desire to enter into a Cooperative Agreement to set forth their agreement to cooperate on right-of-way issues in connection with Phase II. Public agencies may jointly exercise any power common to them pursuant to Government Code Section 6502 and Code of Civil Procedure Section 1240.140(b). Government Code Section 6502 provides that "[i]f authorized by their legislative or governing bodies, two or more public agencies by agreement may

jointly exercise any power common to the contracting parties”. California Code of Civil Procedure Section 1240.140(b) provides that “[t]wo or more public agencies may enter into an agreement for the joint exercise of their respective powers of eminent domain, whether or not possessed in common, for the acquisition of property as a single parcel.”

1. Phase II will require the acquisition of certain real property interests from properties located in Temecula and Murrieta, including portions of several properties in fee for right-of-way/freeway purposes, permanent footing easements, and temporary construction easements to facilitate the construction of Phase II. Phase II will also require the acquisition and/or relocation of certain billboards.

2. Temecula and Murrieta agree that a joint approach is beneficial to the timely delivery of Phase II, and agree to cooperate and coordinate their efforts to the extent practicable in connection with the acquisition of the necessary right of way for Phase II.

3. Murrieta consents to Temecula’s acquisition of property interests located within the boundaries of the City of Murrieta, including Temecula’s acquisition of necessary property interests by eminent domain, if necessary. Temecula will acquire any necessary property interests for Phase II in accordance with Government Code Section 7260 et seq., and the Eminent Domain Law, Code of Civil Procedure Section 1230.010 et seq., and other provisions of law.

4. Murrieta also consents to Temecula’s conveyance of any portions of the necessary real property interests required for Phase II to Caltrans in accordance with the terms of District Agreement No. 08-1667.

Section 2. Approval of Cooperative Agreement. Based on the findings set forth in this Resolution, the City Council hereby approves as to form that certain agreement entitled Cooperative Agreement Between the City of Temecula and the City of Murrieta in Connection with the French Valley Parkway/I-15 Improvements Project – Phase II.

Section 3. City Manager’s Authority. The City Manager (or his designee), is hereby authorized, on behalf of the City, to take all actions necessary and convenient to carry out and implement the Agreement, and to administer the City’s obligations, responsibilities and duties to be performed under the said Agreement.

Section 4. Certification. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula
this 11th day of May, 2021.

Maryann Edwards, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Resolution No. 2021- was duly and regularly adopted by the City Council of the City of Temecula at a meeting thereof held on the 11th day of May, 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Randi Johl, City Clerk